In the High Court of Uttaranchal, at Nainital.
Civil Writ Petition No. 525/2003 (S/B)

Dr. Oswsald Micah Leonard Simon … Petitioner.

Versus

Sherwood College Governing Body
(Registered) through its Chairman
present Bishop S.R. Cutting St. Paul Church
Compound, 4/116, Church, Road Civil Lines
Agra U.P. and 3 others …. Respondents.

Sri Sharad Sharma, learned counsel for the petitioner.
Sri M.C. Pandey, learned counsel for the respondent No.3.
Sri K.P.Upadhyaya, learned S.C. for respondent No. 4.

Coram: Hon'ble M.M.Ghildiyal, J.
Hon'ble B.C. Kandpal, J.

Dated: 27-02-2006

Heard Sri Sharad Sharma, learned counsel for the petitioner, Sri M.C. Pandey, learned counsel for the respondents No.3 and Sri K.P. Upadhyaya, learned S.C. for the respondent No.4.

2- By means of this writ petition the petitioner has prayed the following reliefs:-

(a) to direct the respondent Nos. 1 and 2 to consider the candidature of the petitioner and permit him to participate in the selection committee for selection and appointment of Principal for Sherwood College, Nainital in the meeting scheduled to be held on 20-11-2003 or any subsequent date to which it is adjourned;

(b) to stay the meting of selection committee abovesaid scheduled to be held on 20.11.2003 till such time as this writ petitioner emains pending; and

(c) to declare the entire process of selection as adopted by the respondent Nos. 1 and 2 for the post of principal of Sherwood College, Nainital as illegal and unsustainable.

3- Learned counsel for the respondents Sri M.C. Pandey has submitted that the selection has already been held for the post of Principal, Sherwood College, Nainital and a candidate has been selected on the said post and he has also taken over charge of the

Principal. The person so selected is not a party t the writ petition. In view thereof, the writ petition has rendered infructuous and is dismissed as such.

4- However, it is open for the petitioner to challenge the appointment of the Principal by way of appropriate remedy.

(B.C.Kandpal, J.) **(M.M. Ghildiyal, J.)**

ISB